

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JERRY ISON,

Plaintiff,

-against-

PA KACHAPPILLY; JANE DOE, Nurse Administrator; L. JACKSON, Dept. of Health Services; L. MALIN, Dept. Sup. Programs; J. MANUEL, Program Committee Chairperson; SUPERINTENDENT OF SING SING CORRECTIONAL FACILITY; RACHAEL SEQUIN, Acting Director, Grievance Program; ANTHONY J. ANNucci, Acting Commissioner,

Defendants.

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 10/6/2023

23-CV-3402 (NSR)

SUPPLEMENTAL ORDER OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff, who is currently incarcerated at Orleans Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983, the Americans With Disabilities Act (“ADA”), and Section 504 of the Rehabilitation Act. By order dated May 9, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees.<sup>1</sup> By further order dated August 2, 2023, this Court directed the New York State Attorney General (“NYAG”) to “identify Jane Doe, Nurse Administrator.” (ECF No. 8.)

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<sup>1</sup> Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service.<sup>1</sup> *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

Based on the information provided by NYAG regarding the identity of the “Jane Doe” (ECF No. 20), the Clerk of the Court is instructed to add Roa Rosario as a Defendant to the caption and the docket.

Moreover, to allow Plaintiff to effect service on Defendant Rosario through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (USM-285 form) for Defendant Rosario at the following address: Sing Sing Correctional Facility, 354 Hunter St., Ossining, New York 10562.<sup>2</sup> The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendant Rosario.

### **CONCLUSION**

The Clerk of Court is kindly instructed to issue a summons for Defendant Roa Rosario, complete the USM-285 form, and deliver to the U.S. Marshals Service all documents necessary to effect service. The Clerk of the Court is further instructed to add Roa Rosario as a Defendant to the caption and the docket.

The Clerk of Court is respectfully directed to mail a copy of this Order to *pro se* Plaintiff at Plaintiff’s address listed on ECF and to show service on the docket.

SO ORDERED.

Dated: October 6, 2023  
White Plains, New York



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NELSON S. ROMÁN  
United States District Judge

<sup>2</sup> If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service). Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.